

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
LINDA MARSHALL, BEN DAMPIOS, :
AL SPILLOWAY, BERNIE APOTHEKER, : Civil Action No.
HARRY ESPOSITO and BRENT WENTZ, :
on behalf of themselves and all :
others similarly situated, : 07 CV 6950
:
Plaintiffs, :
:
v. :
:
MILBERG WEISS BERSHAD & SCHULMAN :
LLP, LERACH COUGHLIN STOIA GELLER : **NOTICE OF**
RUDMAN & ROBBINS LLP, MELVYN I. : **CROSS-MOTION**
WEISS, DAVID J. BERSHAD, and :
STEVEN G. SCHULMAN, :
DOES 1 THROUGH 15, :
:
Defendants. :
:
-----X

SIRS:

PLEASE TAKE NOTICE that upon the annexed Declaration of Russel H. Beatie, dated November 13, 2007, and the exhibits thereto, and the accompanying Plaintiffs' Memorandum of Law in Opposition to Defendant Lerach Coughlin Stoia Geller Rudman & Robbins LLP's Motion to Dismiss the Class Action Complaint and in Support of Plaintiffs' Cross-Motion for Discovery Pursuant to Rule 56(f), dated November 13, 2007, and all prior pleadings, Plaintiffs Linda Marshall, Ben Dampios, Al Spilloway, Bernie Apotheker, Harry

Esposito, and Brent Wentz ("Plaintiffs") will move this Court before the Honorable Loretta A. Preska, at the United States Courthouse, 40 Centre Street, New York, New York, on a date to be determined by the Court, for an order, denying Defendant Lerach Coughlin Stoia Geller Rudman & Robbins LLP's motion to dismiss and, pursuant to Rule 56(f) of the Federal Rules of Civil Procedure, granting Plaintiffs request discovery.

Dated: New York, New York
November 13, 2007

BEATIE AND OSBORN LLP

s/ Russel H. Beatie
Russel H. Beatie, Esq.
Daniel A. Osborn, Esq.
521 Fifth Avenue
Suite 3400
New York, New York 10175
Telephone: (212) 888-9000
Facsimile: (212) 888-9664

*Attorneys for Plaintiffs Linda
Marshall, Ben Dampios, Al
Spilloway, Bernie Apotheker,
Harry Esposito, and Brent Wentz*

CERTIFICATE OF SERVICE

On this 13th day of November, 2007, I certify that I served all counsel of record by filing the foregoing Plaintiffs' **NOTICE OF CROSS-MOTION, PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP'S MOTION TO DISMISS THE CLASS ACTION COMPLAINT AND IN SUPPORT OF PLAINTIFFS' CROSS-MOTION FOR DISCOVERY PURSUANT TO RULE 56(f), and DECLARATION OF RUSSEL H. BEATIE IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND IN SUPPORT OF PLAINTIFFS' CROSS-MOTION FOR DISCOVERY PURSUANT TO RULE 56(f) OF THE FEDERAL RULES OF CIVIL PROCEDURE** by using this Court's ECF system, and by sending same via Federal Express overnight mail to the following:

Eric R. Levine
Eric P. Heichel
Eisenman Levine Lehrhaupt & Kakoyiannis, P.C.
805 Third Avenue
New York, New York 10022
(212) 752-1000
Attorneys for Defendant
Lerach Coughlin Stoia Geller Rudman & Robbins LLP

Gregory P. Joseph
Gregory P. Joseph Law Offices LLC
485 Lexington Avenue, 30th Floor
New York, New York 10017
Attorneys for Defendants Melvyn I Weiss and
Milberg Weiss Bershad & Schulman LLP

Jeffrey Speiser
Stern & Kilcullen, LLC
75 Livingston Avenue
Roseland, New Jersey 07068
Attorneys for Defendant Steven G. Schulman

Christopher M. DiMuro, Esq.
Robert D. Luskin
Patton Boggs LLP
1675 Broadway, 31st Floor
New York, New York 10019
(646) 557-5100
Attorneys for Defendant David J. Bershad

Andrew M. Lawler
Andrew M. Lawler, P.C.
641 Lexington Avenue, 27th Floor
New York, New York 10022
Attorneys for Defendant David J. Bershad

BEATIE AND OSBORN LLP

By: s/ Russel H. Beatie
Russel H. Beatie
521 Fifth Avenue, Suite 3400
New York, New York 10175
Telephone: (212) 888-9000
Facsimile: (212) 888-9664